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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/506,434	02/18/2000	Ravi Acharya	47004.000059	8248
21967 7590 11/27/2007 HUNTON & WILLIAMS LLP INTELLECTUAL PROPERTY DEPARTMENT 1900 K STREET, N.W. SUITE 1200 WASHINGTON, DC 20006-1109			EXAMINER COLBERT, ELLA	
			ART UNIT 3694	PAPER NUMBER
			MAIL DATE 11/27/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/506,434

Applicant(s)

ACHARYA ET AL.

Examiner

Ella Colbert

Art Unit

3694

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15, 17, 21, 55-58, 64, 65 and 68-76 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15, 17, 21, 55-58, 64, 65, and 68-76 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 15, 17, 21, 55-58, 64, 65, and 68-76 are pending. Claims 15, 21, and 55 have been amended in this communication filed 06/15/07 have been amended in this response entered as Response After Non-Final Action.
2. The 35 USC 112, first paragraph rejection for claims 15, 17, 21, 55-58, 64, 65, and 68-76 has been overcome by Applicants' explanations and is hereby withdrawn.
3. The 35 USC 112, second paragraph rejections are hereby withdrawn in view of Applicants' amendments to the claims.

Claim Objection

4. Claims 15, 21, and 55 are objected to because of the following informalities:
Claim 15 recites "a computerized method for ... remotely situated with respect to a bank, comprising: (a). logging a bank customer onto ... with respect to a bank and the automated system;". This claim limitation should recite "a computerized method for ... remotely located with respect to a bank, comprising: (a). logging the bank customer onto ... with respect to a bank and the automated system;". Claim 21 recites "(a) receiving a request from a bank ... located from a bank ..., wherein ... is remotely situated from the automated banking system;". This claim limitations should recite "(a) receiving a request from the bank ... located from the bank ..., wherein ... is remotely located from the automated banking system;". Claim 55 recites "(a) receiving conventional checks payable to a bank customer;". This claim limitation should recite "(a) receiving conventional checks payable to the bank customer;". Appropriate correction is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 15, 21, and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US 6,464,134) Page in view of (US 5,903,818) Talati et al, hereafter Talati.

As per claim 15, Page discloses, A computerized method for allowing a bank customer to deposit the value of conventional checks into a bank account from a location that is remotely situated with respect to a bank comprising: (a) logging a bank customer payee onto an automated banking system through a customer terminal that is remotely situated with respect to a bank and the automated banking system, wherein the bank customer payee is the recipient of a conventional check payable to the bank customer payee (col. 3, line 47-col. 4, line 4 and col. 6, lines 7-38- See Summary of the Invention). Customer terminals are located in shopping malls, grocery stores, gas stations, and on-line banking which are remotely located from the bank. It is well known that a customer has to logon to a banking system to conduct any type of transaction. In this case, cashing or depositing a conventional check made to the bank customer. Page further discloses, (b) receiving transaction data that was entered into the customer terminal by the bank customer payee, wherein the transaction data comprises routing number, account number, date written and amount of the conventional check (col. 3,

lines 30-47 and col. 6, line 52-col. 7, line 23 –See Summary of the Invention); and (d) receiving by the bank customer a result of the transaction for the conventional check (col. 5, lines 23-51 and col. 9, line 20- col. 10, line 22- See Summary of the Invention). Page failed to disclose, c) processing the discrete value of the conventional check for deposit by the automated banking system without physical receipt of the conventional check by the automated banking system. Talati discloses, c) processing the discrete value of the conventional check for deposit by the automated banking system without physical receipt of the conventional check by the automated banking system (col. 7, line 25-col. 8, line 16). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Page with the teachings of Talati because such a modification would allow Page to have an electronic check to be initiated as a payment transaction to the payee with a discrete value (amount) where the payee request payment of the electronic check or deposit the electronic check into the payee bank. There is not any receipt of the physical check interpreted as being taken place in Talati.

As per claim 21, claims substantially the same limitations as those for claim 15 and is rejected for the similar rationale as given above for claim 15.

As per claim 55, this independent claim is rejected for the similar rationale as given above for claims 15 and 21.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 17, 56- 58, 64, and 65 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US 6,464,134) Page in view of Official Notice.

As per claim 17, Page failed to disclose, The method of claim 15 wherein the result of the transaction in step (d) comprises a provisional credit to the bank customer payee's account. Official notice is taken that this is old and well known in the art of bank transactions. It would have been obvious to one having ordinary skill in the art to incorporate in Page a provisional credit to the bank customer payee's account in view of Page's discussion of where the bank check prepared and issued from the issuing terminal is presented for redemption in terms of being deposited or cashed in col. 6, lines 27-col. 7, lines 23. In the art of banking and accounting the payee (the person to whom the written amount on the face of the instrument is paid) when the check is deposited into the payee's account the bank account is credited. This is simply well known accounting procedures of credits and debits. The practice of crediting a bank account is to prevent the bank account of being closed for withdrawal of funds from being overdrawn when making payments to creditors (bill collectors).

As per claim 56, Page discloses, The method of claim 55, wherein the customer terminal comprises a digital image scanner comprising optical recognition software capable of converting machine printed characters to electronic text (col. 6, line 46-col. 7, line 23). Page did not expressly disclose, optical recognition software capable of

converting machine printed characters to electronic text. However, a scanner is capable of converting machine printed characters to electronic text format when a document is scanned. Scanners contain some type of optical recognition software for the conversion of printed characters into electronic text format.

As per claim 57, Page discloses, The method of claim 56, wherein entering transaction data into the customer terminal comprises scanning the checks using the digital image scanner (col. 8, lines 15-40).

As per claim 58, Page did not expressly disclose, The method of claim 55, wherein the result of the transaction in (e) comprises a provisional credit to the associated demand deposit account. Official notice is taken that this is old and well known in the art of bank transactions. It would have been obvious to one having ordinary skill in the art to incorporate in Page a provisional credit to the associated demand deposit account (checking account) in view of Page's discussion of where the bank check prepared and issued from the issuing terminal is presented for redemption in terms of being deposited or cashed in col. 6, lines 27-col. 7, lines 23. In the art of banking and accounting the payee (the person to whom the written amount on the face of the instrument is paid) when the check is deposited into the payee's account the bank account is credited. This is simply well known accounting procedures of credits and debits. The practice of crediting a bank account is to prevent the bank account from being closed for over withdrawal of funds when making payments to creditors (bill collectors).

As per claim 64, Page discloses, further comprising (f) optionally subsection each conventional check to one or more actions to prevent redeposit of the conventional check (col. 8, lines 41-63).

As per claim 65, Page discloses, wherein the one or more actions comprise marking each conventional check by human or machine readable ink, physical capture of each conventional check or combinations thereof (col. 8, line 64-col. 9, line 19).

As per claims 68, 71, and 74, Page discloses, wherein entering transaction data into the customer terminal comprises entering transaction data via a magnetic ink character reader or a digital image scanner (col. 9, lines 20-64).

As per claims 69, 73, and 75, Page discloses, wherein the digital image scanner comprises optical recognition software to convert machine printed characters to electronic text (col. 6, lines 55-66).

As per claims 70, 72, and 76, Page discloses, wherein the digital image scanner comprises intelligent character recognition software to convert handwritten characters to electronic text (col. 6, line 66-col. 7, line 23).

Response to Arguments

9. Applicant's arguments with respect to claims 15, 17, and 21 have been considered but are moot in view of the new ground(s) of rejection.

Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 571-272-6741.

Application/Control Number:
09/506,434
Art Unit: 3694


Page 8

The examiner can normally be reached on Monday, Wednesday, and Thursday,
5:30AM-3:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

November 19, 2007


ELLA COLBERT
PRIMARY EXAMINER